IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.23422 of 1996

Between:

Blue Star Employees Union,

Rep. by its General Secretary, 10-3-169, St. John's Road,
Secunderabad- 500025

..... PETITIONER

AND

1 M/s. Blue Star Limited, Secunderabad.
2 The Industrial Tribunal - I, I Floor, Chandravihar, M.J. Road, Hydedrabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to pass on order or issue a writ particularly one in the nature of Certiorari and quash the Award dt. 29-6-1996 in I.D. No. 2/1990 on the File of the Industrial Tribunal - I, Hyderabad, and allow the charter of demands dt. 30-10-87 of the Petitioner after calling for the records from it and directing the management to give the benefits mentioned therein.

Counsel for the Petitioner: Mr. B.G.RAVINDER REDDY

Counsel for the Respondent No.: Mr. P.NAGESWAR SREE

The Court made the following :

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.23422 of 1996

ORAL ORDER:

This Writ Petition is filed seeking a Certiorari to quash the Award dated 29-6-1996 in I.D.No.2 of 1990 on the file of the Industrial Tribunal-I, Hyderabad and consequently to direct the respondent-management to allow the Charter of Demands dated 30-10-1987 in respect of the members of the petitioner-union.

The petitioner is Blue Star Employees Union represented by its General Secretary. It raised a dispute as to the Charter of Demands dated 30-10-1987. Since the Charter of Demands submitted by the Union was not agreed to by the management, it raised a dispute before the Conciliation Officer. As the conciliation failed, the matter was referred to the Government and in turn, the Government of Andhra Pradesh referred the matter for adjudication to the Industrial Tribunal-I, Hyderabad vide G.O.Rt.No.2274, dated 15-11-1989. The same was taken on file in I.D.No.2 of 1990 before the Industrial Tribunal-I at Hyderabad. The Award dated 29-6-1996 was passed by the Tribunal directing to extend certain benefits to the members of the petitioner-union. Aggrieved by the same, the Union has filed the present Writ Petition.

It is the contention of the learned counsel for the petitioner-union that the Award passed by the Tribunal is contrary to the provisions of the Industrial Disputes Act,1947 (for short 'the Act') and also contrary to the practice of raking up of the issues by various unions. According to the petitioner, it is only a local union. It raised certain demands; whereas, the Tribunal had taken up the demands, which are within the purview of the Central Union and decided the matter. Adopting such a course of action by the Tribunal is arbitrary and illegal. It is also contended that simply because some of the employees, who left the organization after the dispute arose,

compromised the matter by taking certain amounts, the Tribunal ought not to have threshed the same amount against the members of the petitioner-union.

Per contra, learned counsel for the respondent-management submitted that the dispute that arose and adjudicated in I.D.No.2 of 1990 relates to 1987 Charter of Demands. Thereafter, as many as four other settlements were entered into and in view of the time lag, the 1987 Charter of Demands pales into insignificance. Since the majority of the members of the Union compromised the matter, the Tribunal rightly and reasonably opined that the same benefit as compromised by those members would be applicable to the remaining members of the petitioner-union.

There is no necessity to go into other details, since the dispute was raised in the year 1990 and the Award passed in the year 1996. Now, it is more than 15 years from the date of raising the dispute and about nine years from the date of passing of the Award by the Tribunal. It is an admitted fact that majority of the members of the petitioner-Union have left the organization and compromised the matter. It is also not in dispute that after 1987 Charter of demands, four other settlements were entered into from time to time between the Union and the management. In view of that, any adjudication would become mere academic.

However, it is the apprehension of the petitioner that since the Industrial Tribunal had taken up the demands, which are within the purview of the Central Union and answered them, the findings of the Tribunal are binding on the petitioner-union also. In this view of the matter, this Court is of the considered opinion that it is suffice to say that the Award under challenge will not have any binding force on the parties in any future dispute that may arise between them. It is always open for the petitioner-union to raise Charter of Demands, which are within its ambit. It is also open for the petitioner-union to raise a dispute before the Industrial Tribunal, if necessary, that the Award passed by it in dealing with the subjects which are taken up by the Central Union, have no binding effect on them.

With the above observation, the Writ Petition is closed.

21-4-2005

prk

ASSISTANT REGISTRAR.

/TRUE COPY/

SECTION OFFICER.

To

1. The Presiding Officer, Industrial Tribunal-I, Chandra Vihar, M.J. Road, Hyderabad.
2. M/s.Blue Star Limited, Secunderabad.
3. 2 CCs to Govt Pleader for Labour, High Court Buildings, Hyderabad (OUT)
4. 2 CD copies